

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No. 10/786,980

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METHOD AND SYSTEM FOR PROVIDING AUTOMATED  
VEHICLE DIAGNOSTIC FUNCTION UTILIZING TELEMATICS UNIT

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Group Art Unit: 2863

Examiner: John H. Le

Attorney Docket No. GP-304500-OST-ALS

**REPONSE TO SUPPLEMENTAL EXAMINER'S ANSWER**

Board of Patent Appeals and Interferences  
US Patent and Trademark Office  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This response is being filed in reply to the Supplemental Examiner's Answer mailed January 15, 2009.

For the reasons discussed in the Appeal Brief and Reply Brief, Appellants request that the rejections be overturned and all pending claims allowed.

**REMARKS**

On January 15, 2009, a paper entitled "Supplemental Examiner's Answer" was mailed, presumably in response to the BPAI order of November 21, 2008 vacating the Examiner's Answer on the grounds that it was missing required section (11). The Supplemental Examiner's Answer includes the required section (11), but mysteriously, section (4) has now disappeared. Correction by the Examiner may be appropriate.

37 C.F.R. § 41.43 provides that the Examiner can issue a Supplemental Examiner's Answer addressing arguments contained in Applicant's Reply Brief, and that Applicant can then respond again. However, given that the Supplemental Examiner's Answer mailed January 15, 2009 does not address any of the arguments contained in the Reply Brief, no further response from Applicants is deemed necessary.

Accordingly, Applicants request that the appeal proceed to Board review and that the rejections of all claims be overturned and the claims be held allowable.

The Commissioner is hereby authorized to charge any deficiencies, or credit any overpayment associated with this brief to Deposit Account No. 07-0960.

Respectfully submitted,

REISING ETHINGTON P.C.

/James D. Stevens/

Date: March 16, 2009  
JDS/dim

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